U.S. Department of the Interior

BUREAU OF RECLAMATION
Albuquerque Area Office
Albuquerque, New Mexico

Finding of No Significant Impact

Middle Rio Grande Riverine Restoration Project Phase II
Bernalillo and Sandoval Counties, New Mexico

Manager, Environment Division — Date: 1/16/07

Area Manager, Albuquerque Area Office — Date: 1/17/07

AAO-07-001
FONSI Number

BACKGROUND

The New Mexico Interstate Stream Commission (NMISC) seeks to implement part of the Reasonable and Prudent Alternative (RPA) in the March 2003 U.S. Fish and Wildlife Service (USFWS) Biological Opinion (2003 BiOp) on the Bureau of Reclamation's Water and River Maintenance Operations, the U.S. Army Corps of Engineers' Flood Control Operations, and Related Non-Federal Actions on the Middle Rio Grande, New Mexico, 2003 (USFWS 2003) and to address priority habitat restoration goals of the Middle Rio Grande Endangered Species Act Collaborative Program (Collaborative Program). Under the Collaborative Program, both governmental and nongovernmental entities work cooperatively to address Endangered Species Act (ESA) issues in the Middle Rio Grande (MRG). The NMISC is proposing to implement river restoration activities for the benefit of the federally listed Rio Grande silvery minnow (*Hybognathus amarus*; silvery minnow), specifically activities to improve adult and juvenile over-wintering habitat and silvery minnow egg retention and rearing habitat within the Albuquerque Reach of the Rio Grande. Restoring the riverine habitats that support the silvery minnow is considered to be an essential element for recovering the species.

This Project, termed the Middle Rio Grande Riverine Habitat Restoration Project Phase II (Project), is led by the NMISC and proposes to apply several habitat restoration techniques in four subreach locations of the river in the Albuquerque Reach of the MRG to enhance, restore, and create habitat for silvery minnow. The Collaborative Program primarily funds the Project, with partial funding by the State of New Mexico. An Environmental Assessment (EA) has been conducted to evaluate the impacts of these riverine habitat restoration techniques associated with the Project on other resources and their relationship to other projects and undertakings in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4331-4335). In addition, a final EA was completed for the Middle Rio Grande Riverine Habitat Restoration Project Phase I and a Finding of No Significant Impact (FONSI) was signed December 8, 2005 (Reclamation 2005).

SUMMARY OF THE PROPOSED ACTION

The Proposed Action involves the design and implementation of various habitat restoration/rehabilitation techniques intended to enhance, restore and/or create aquatic habitat for the benefit of the silvery minnow in the Albuquerque Reach of the MRG. The proposed rehabilitation and restoration will occur within the river floodway at the following four locations: (1) from U.S. Highway 550 to approximately 1,200 m downstream (550 Subreach); (2) from Paseo del Norte to Montaño Road (PDN Subreach); (3) from I-40 to approximately 1,015 m downstream of Central Avenue (I-40 Subreach); and (4) from the South Diversion Channel to I-25 (SDC Subreach). Projects at specific sites on vegetated islands, bars, and riverbanks will be implemented to test the efficacy of the selected techniques. Techniques will be implemented to evaluate the river's ability to naturally mobilize sediments and create silvery minnow habitat under a variety of flow conditions.

This is Phase II of a four-phase Project. Phase I began in 2006 and Phase IV will continue through 2009 (Reclamation 2005). Approximately 75–90 acres will be treated during Phase II, with treatment areas that include islands, bars, banks, and a diversion structure. A phased

approach will be applied to future restoration activities, with monitoring and evaluation of the outcomes utilized in subsequent phases. The EA evaluates and analyzes potential impacts of the Project on resources that may occur within the Project area during Phase II, which will take place between January 2007 and April 2008.

No significant adverse impacts to environmental resources and the human environment are anticipated as a result of the planned phased approach. No Indian Trust Assets have been identified and no impacts are anticipated due to the project. Continual evaluation of both adverse and beneficial effects will be performed over the duration of the Project. The initial Project design is expected to produce beneficial effects on aquatic habitats and aquatic resources. Monitoring and evaluation of the success of each technique to restore habitat without any undue short-term effects will follow implementation.

ENVIRONMENTAL IMPACTS RELATED TO THE RESOURCES OF CONCERN

Resources of primary concern for the Project include the threefederally threatened or endangered species (Rio Grande silvery minnow, southwestern willow flycatcher, American bald eagle) and their associated habitat that may occur within the Project area, water quality in the Rio Grande, and the visual and aesthetic quality of the Project area, which lies predominantly within Rio Grande Valley State Park (RGVSP).

Short-term environmental impacts are anticipated during the construction phase of the Project, resulting from temporary construction disturbance and noise. Direct environmental impacts may include temporary and localized increases in the level of suspended sediments in the river, clearing or trampling of vegetation, and direct impacts to fish by mechanized equipment operating in the river. Indirect effects may result from construction noise above the ambient noise level normally experienced by recreational users of RGVSP or residents of areas near the Project. Visual and aesthetic effects may also occur during construction, which may have temporary adverse impacts for residents and park users. Best management practices will be utilized to minimize any short-term direct effects. These include monitoring normal water quality parameters when operating equipment in the channel, and using previously cleared access and staging areas.

Short-term adverse effects of the Project on endangered silvery minnow would likely occur as a result of implementing the Project. A Biological Opinion (BO) and incidental take permit have been issued, pursuant to section 7(b)(4) of the Endangered Species Act (USFWS, January 10, 2007). The Reasonable and Prudent Measures (RPMs):

1. Minimize take of silvery minnow due to habitat restoration activities.
2. Manage for the protection of water quality from activities associated with the restoration Project.

To implement RPM 1, the NMISC shall:

1. Monitor for the presence/absence of silvery minnows during construction and use adaptive management to modify island restoration, scouring and scalloping to minimize

the adverse effects.

2. In coordination with the Service, develop a protocol to monitor for the presence/absence of silvery minnows in ephemeral channels following high flows, and to determine whether channel maintenance is warranted.
3. The results and effectiveness of all treatment islands and reference sites shall be reported to the Service in a timely manner.
4. Report findings of injured or dead silvery minnows to the Service.

To implement RPM 2, the NMISC shall:

1. Schedule, to the extent possible, river crossings during dry or frozen soil conditions.
2. Report to the Service and the Pueblo of Sandia, water quality measurements taken before, during, and after construction activity, required by Reclamation's Clean Water Act 401 certification.

Indirect long-term effects, including beneficial effects to riverine habitats suitable for the silvery minnow and other fish and wildlife resources, will be evaluated during the course of the construction of the Project. Long-term effects on the visual and aesthetic quality of the RGVSP are not anticipated, since the restoration design will restore natural riverine processes to create or improve the function of the RGVSP riverine ecosystem.

OTHER AFFECTED RESOURCES

Depletions are projected to remain neutral in the Albuquerque Reach under the No Action Alternative (SSPA 2004). The Proposed Action may increase depletions at two site locations: (1) the Atrisco Diversion Project site and (2) the I-40 Subreach 1-ch site. The site locations for all additional work would occur on islands and bars that are temporary in nature and located within the 660-foot-wide active river channel. Based on discussions with the Office of the State Engineer (OSE) as part of the Phase I Riverine Habitat Restoration Project, work within the active river channel would not require an OSE permit. However, the Atrisco Diversion Project site and the I-40 1-ch site do not meet this criterion. The NMISC would submit a permit application or applications, including the EA and other pertinent documentation as necessary, for these two locations. Work would not occur at locations where permits are needed until the necessary permits have been secured. Work at locations where OSE permits are not required would be phased for initial construction.

ENVIRONMENTAL COMMITMENTS

All applicable permits will be obtained by NMISC prior to implementation of each phase of the Project, including but not limited to:

- Landowner access permissions
- Clean Water Act (CWA), Section 404
- State Water Quality Certification under CWA, Section 401
- Pueblo of Sandia Water Quality Certificate under CWA, Section 401

- Temporary Construction Noise Permit, City of Albuquerque Environmental Health Department
- National Pollutant Discharge Elimination System (NPDES) Permit
- Storm Water Pollution Prevention Plans

In addition to obtaining these permits, the following environmental commitments are to be undertaken by the NMISC:

- Avoiding construction or location of staging areas in jurisdictional wetlands.
- Avoiding impacts to birds protected by the Migratory Bird Treaty Act by scheduling construction outside of the normal bird breeding and nesting season (April 15 through August 15) for most avian species or conducting pre-construction breeding bird surveys and monitoring if construction were to occur during the breeding and nesting season and consultation with the USFWS if affected species are observed.
- Implementing specific mitigation measures to avoid impacts to threatened or endangered species and their habitats identified in the Project area, as identified in the Biological Opinion for Phase II from the USFWS.
- Avoiding any Traditional Cultural Properties identified in the Project area identified during previous consultation with the State Historic Preservation Officer and tribal entities.
- Implementing measures to stop work and notify the Reclamation Area Archaeologist in the event that prehistoric or historic remains, human burials, or other archaeological resources are discovered during construction or monitoring.
- Water depletions for each site would be assessed. If increases do occur, they would be offset through a permitting process established by the Office of the State Engineer.
- Silt curtains and fences will be used to minimize any potential increases in turbidity in the river during and immediately after construction-related activities.
- Monitoring as described in the ten year monitoring plan at each site to ensure that project goals are met.

COORDINATION

Agencies and other entities contacted formally or informally to coordinate efforts in preparation of this EA include:

Albuquerque Metropolitan Arroyo Flood Control Authority
Bernalillo County
City of Albuquerque
City of Albuquerque Open Space
Hawks Aloft
Isleta Pueblo
Middle Rio Grande Endangered Species Act Collaborative Program
Middle Rio Grande Conservancy District
New Mexico Department of Game and Fish
New Mexico Environment Department
New Mexico Office of the State Engineer

New Mexico State Historic Preservation Division
Sandia Pueblo
Santa Ana Pueblo
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
University of New Mexico Heritage Program

CONCLUSION

The Project, proposed by the NMISC, will apply habitat restoration techniques in four subreach locations of the river in the Albuquerque Reach to create and improve habitat for the endangered silvery minnow. The Project will treat approximately 75-90 acres in Phase II and up to 350 acres over a period of four years, and monitor the riverine environment to determine if the techniques applied restore or improve riverine ecosystem processes and habitats suitable for life stages of the silvery minnow. The need is identified as part of the Reasonable and Prudent Alternative (RPA) in the March 2003 USFWS Biological Opinion on the Bureau of Reclamation's Water and River Maintenance Operations, the U.S. Army Corps of Engineers' Flood Control Operations, and Related Non-Federal Actions on the Middle Rio Grande, New Mexico, 2003 (USFWS 2003).

Short-term impacts may occur to visual and aesthetic resources, noise, water quality, and threatened or endangered species, including silvery minnow. Potential short-term construction effects of the Project will be minimized with best management practices and impact-avoidance measures to assure that effects do not rise to the level of significance so long as the terms and conditions specified in the biological opinion and other environmental commitments are met. Long-term effects may be beneficial to riverine ecosystem processes and will be monitored by the NMISC to determine if they meet the objectives of the Project.

Based on the analysis performed in the environmental assessment, no significant adverse impacts to the natural or human environment will result from implementation of the Project. This Finding of No Significant Impact (FONSI) has been determined pursuant to the National Environmental Policy Act (42 U.S.C. 4321et seq.) It has been determined that the proposed action does not constitute a major federal action that would significantly affect the human environment. Therefore, an environmental impact statement will not be prepared for this Project.